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C O N F I D E N T I A L SECTION 01 OF 02 BEIJING 003218

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SUBJECT: CHINESE OFFICIALS INTERESTED IN INCREASING  
COOPERATION IN THE PROSECUTION OF TERRORISTS

Classified By: Deputy Political Section Chief Ben Moeling. Reasons 1.4  
(b) and (d).

#### Summary

1. (C) Chinese officials want to increase cooperation with the United States in prosecuting terrorists, Supreme People's Procuratorate (SPP) Public Prosecution Department Deputy Director General Wang Jun told United States Department of Justice (DOJ) attorney Francis Schmitz August 14. Wang stated that China lacks a comprehensive system of criminal and administrative laws and regulations specifically targeting terrorism, but has criminal code sections which prohibit organizing, leading or participating in a terrorist organization; fabricating or spreading false terror information; and support for terrorism.  
End Summary.

2. (C) Embassy Resident Legal Advisor accompanied United States Department of Justice (DOJ) attorney Francis Schmitz, the National Crisis Management Coordinator from the Counterterrorism Section, to a meeting August 14 at the Supreme People's Procuratorate (SPP). Wang Jun, the Deputy Director General of the Public Prosecution Department and his subordinate, Director Zhang Fengyan, represented the SPP. Schmitz requested the meeting in order to make contact with Chinese prosecutors in charge of prosecuting terrorism cases. The SPP informed him that it does not divide its prosecution service into specialties, so the Public Prosecution Department prosecutes all types of crimes, including those related to terrorism.

#### Measures Against Terrorism

3. (C) DDG Wang informed Schmitz that the SPP "requires preparation for quick coordination and response in case of a terrorist attack." Chinese prosecutors can and do supervise the police in terrorism cases, he said. Unlike in other types of crimes, where the prosecutor must wait for the police to finish investigating before they transfer the case to the SPP, in cases involving terrorism and Olympic security the SPP has been granted authority to begin its work prior to transfer from police. Wang said that quick handling of investigation and prosecution is vital in cases involving terrorist threats to critical infrastructure. Wang noted that many countries recognize "Xinjiang separatists" as terrorists, adding that the damage these terrorists cause has spread from Xinjiang to other parts of China.

#### Increasing Future Cooperation

¶4. (C) Schmitz commented that terrorists often commit crimes in addition to terrorism. To combat terrorists, the United States and China should cooperate on organized crime, money laundering and narcotics prosecutions related to terrorism. He noted that terrorists do not respect national borders. Therefore, we need to increase cooperation and possibly exchange evidence to assist in the prosecution of terrorist crimes. Schmitz noted that this kind of cooperation has already taken place in criminal cases and advocated increased cooperation in future terrorism cases.

¶5. (C) Wang agreed that the United States and China should increase cooperation in the prosecution of terrorists, noting that the International Cooperation Department of the SPP has a Judicial Cooperation Office. He stated that China lacks a comprehensive system of criminal and administrative laws and regulations specifically targeting terrorism, but that flaw is being addressed. The Public Prosecution Department, Ministry of Public Security (MPS) and Supreme People's Court (SPC) have contributed input on proposed legislation to target terrorism. In the meantime, China combats terrorism through criminal code sections which prohibit: 1) organizing, leading or participating in a terrorist organization; 2) fabricating or spreading false terror information; and 3) support for terrorism.

Treatment of the Mentally Ill  
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¶6. (C) Schmitz replied that he found the prohibition on "fabricating or spreading false terror information" in Wang's description of the Chinese criminal code to be interesting,

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since the anthrax scare in the United States was originally thought to be terrorism-related, but was actually perpetrated by a mentally ill U.S. Army employee. Wang noted that China separates the cases of the mentally disabled from those who are mentally ill but still able to "use complex logic to plan their crimes." Those in the latter category remain subject to prosecution under the Chinese criminal code.

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